

REMARKS

The present response cancels claims 22-50 in conformity with the following remarks. Applicant reserves the right to file a divisional application at a later date capturing the subject matter recited in claims 22-50 canceled herein. Claims 1-21 remain pending in the captioned case.

Section 121 Restriction

In response to the Examiner's restriction requirement under 35 U.S.C. § 121, Applicant elects claims 1-21 drawn to a conductive member. Applicant cancels non-elected claims 22-37 drawn to an antenna and claims 38-50 drawn to a method.

This response conforms with the requests made in the Office Action. While the Office Action asserts that somehow the conductive member claims 1-11 should be restricted from the conductive member claims 12-21, Applicant must respectfully disagree. Both sets of claims are drawn to a conductive member and are classified in the same class and subclass for examination purposes. Applicant believes the Office Action is mistaken. If the Office Action contention is maintained, then Applicant asserts that claims 1-11 are genus claims to the species of claims 12-21. The genus being the conductor (claim 1) and the species being the combination of a conductor and a cable guide (claim 12). Nonetheless, both sets of claims are drawn to the same invention which is a "conductive member."

Since both sets of claims, reciting a conductive member, are searchable in the same classification and define the same field of search, any *prima facie* showing that claims 1-11 and 12-21 must be restricted from each other is hereby rebutted in accordance with MPEP 803. In order to sustain a *prima facie* showing that the two groups must be restricted from each other, 35 U.S.C. § 121 requires that the two groups be "independent and distinct" inventions from one another. The term "independent" means that there is no disclosed relationship between the two or more subjects disclosed; that is, they are unconnected in design, operation, or effect . . ." See MPEP 802.01.

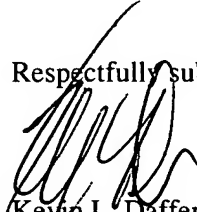
The Examiner has failed to sustain his burden of showing that the claimed "conductive member" of claims 1-11 is independent from, unconnected in design, operation, or effect, the claimed "conductive member" of claims 12-21. Therefore, the further restriction between 1-11 and 12-21 cannot be sustained and is hereby traversed in its entirety.

CONCLUSION

The present amendment and response is believed to be a complete response to the issues raised in the Office Action mailed March 19, 2003. If the Examiner has any questions, comments or suggestions, the undersigned attorney earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Conley Rose, P.C. Deposit Account No. 03-2769/5633-00100.

Respectfully submitted,


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